

AO91 (Rev. 5/93 ND/AL) Criminal Complaint

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA****CRIMINAL COMPLAINT****UNITED STATES OF AMERICA****v.****CASE NUMBER: MAG NO.: 12-371****BARRY SCOTT HOGLAND,  
defendant**

I, Suzanne Prevatte, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

**Count One**

Between on or about the 6<sup>th</sup> day of November 2012 and including on or about 14<sup>th</sup> day of November 2012, in Jefferson County, within the Northern District of Alabama, and elsewhere, the defendant,

**BARRY SCOTT HOGLAND,**

who was born on or about 1970, while using a facility and means of interstate commerce, to wit: the internet and a telephone, did knowingly attempt to persuade, induce, and entice an individual, known to the defendant as a 13 year old female, who had not obtained the age of 18 years to engage in sexual activity for which the defendant can be charged with a criminal offense, to wit: Rape in the Second Degree (Ala. Code § 13A-6-62; Sodomy in the Second Degree (Ala. Code § 13A-6-64); Sexual Abuse in the Second Degree (Ala. Code § 13A-6-67), in violation of Title 18, United States Code, Section 2422(b).

I further state that I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI) and that this complaint is based on the facts set forth in the affidavit, which is attached hereto and incorporated herein by reference.

See Attachment "A"

  
Signature of Complainant

Sworn to before me and subscribed in my presence. I have considered the attached affidavit, and I find probable cause to charge the defendant with Attempted Enticement, in violation of 18 U.S.C. § 2422(b).

11/15/2012  
Date

at

Birmingham, Alabama  
City and State

MADELINE HUGHES HAIKALA  
United States Magistrate Judge  
Name and Title of Judicial Officer

  
Signature of MADELINE HUGHES HAIKALA

ATTACHMENT A

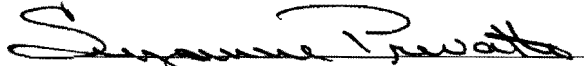
AFFIDAVIT

I, Suzanne Prevatte, after being duly sworn in due form of law, depose and say that:

1. I am a Special Agent with the Homeland Security Investigations (HSI), U.S. Department of Homeland Security. I have been so employed since November 2002.
2. This affidavit is made in support of a criminal complaint for Barry Scott Hogland, the defendant. The defendant was born in or about November of 1970, social security number xxx-xx-6557.
3. On or about November 4, 2012, the defendant posted an advertisement on the internet.
4. On or about November 4, 2012 contact was initiated with the defendant through the internet advertisement he posted. Email contact was made, via the internet, with undercover law enforcement officers by responding to the internet advertisement. In the correspondence that followed, the defendant came to believe that he was communicating with a female under the age of 16. The defendant wanted to engage in illegal sexual activity with the female under the age of 16.
5. On or about November 6, 2012, the defendant stated via email "are u real, this ant no scam or anything is it,, are u not in school, send me some pics we go from there tell me about your self and stuff"
6. On or about November 6, 2012, the defendant stated via email "oh ok, u got some pics, what u get in trouble for , what u looking to do i work in [city in Jefferson County], do u want to see about getting together"
7. On or about November 6, 2012, the defendant stated via email "Ok cool u live with just your mom. i guess. what is.your number. I'll text ya"
8. On or about November 6, 2012, in text correspondence the defendant stated, "Meet up sometime and have some fun together."
9. On or about November 6, 2012, in text correspondence the defendant stated, "Make u all horney and wet."

10. On or about November 6, 2012, in text correspondence the defendant stated, "Get.some food chile at room and have lots of.sex lol. how.does.that sound"
11. On or about November 6, 2012, in text correspondence the defendant stated, "Send me some sexy pics lol"
12. On or about November 6, 2012, in text correspondence the defendant stated, "U want me to lick your pussy"
13. On or about November 7, 2012, in text correspondence the defendant stated, "Do u have any lube or something to put on my cock. It proby going to be tight at first"
14. On or about November 13, 2012, in text correspondence the defendant stated, "Maybe we meet tomorrow afternoon u give me a birthday suxing. lol. And i can eat u out."
15. On or about November 13, 2012, in text correspondence the defendant stated, "U like that and i put my cock in your pussy make it all wet"
16. On or about November 13, 2012, in text correspondence the defendant stated, "u a good person. just young." {Child under the age of 16 years old} stated, "I'm {age under 16 years old}. I can't help that."
17. On or about November 13, 2012, the defendant via text message arranged a meeting time on November 14, 2012 and also stated that he would meet the minor under the age of 16 around a {business in the Northern District of Alabama}.
18. On November 14, 2012, in text correspondence between the defendant and undercover agents the defendant stated "Im outside the parking lot now tho"
19. On November 14, 2012, the defendant arrived at the {location in the Northern District of Alabama} in a 1992 Ford Ranger pick-up truck. The defendant was wearing black pants and black pull-over sweatshirt and was arrest on scene for attempted illegal sexual acts with a minor female under the age of 16.

20. On November 14, 2012 identification of the defendant was made when agents located his Driver License in the defendant wallet located in his left rear pants pocket at the time of arrest.
21. Given the sexual nature of the communications, and the fact that the defendant arrived at the arranged meeting place, there is probable cause to believe the defendant did use a facility and means of interstate commerce, that is the internet and a cell phone, to attempt to engage in sexual activity with a minor female, who was under the age of 16 years old, in violation of 18 U.S.C. § 2422(b). The communications and criminal conduct occurred in Jefferson County, within the Northern District of Alabama, and elsewhere.

  
Suzanne Prevatte  
Special Agent  
Department of Homeland Security

Sworn to and subscribed before me  
This 15th day of November 2012.

  
MADELINE HUGHES HAIKALA  
UNITED STATES MAGISTRATE JUDGE